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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A  (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.
2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-35* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *13 July 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/19/08, 7/13/05*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1.      The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference characters "182" has been used to designate both code reading sensor and a

window in Figure 19.  Similarly, "184", "186", "188" also are used to designate both

code reading sensors and windows in Figure 19.  In addition, the specification refers to

"an arrow X in Figure 9" (p. 12, line 5 and p. 19, line 5) which is not found in Figure 9.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version

of the sheet, even if only one figure is being amended. Each drawing sheet submitted

after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

### *Specification*

2.      In accordance with MPEP 201.11, the specification is objected to for failing to

cite the priority claim to an earlier filed patent application in the first sentence. Adding

text such as: "This application claims foreign priority of Japanese Patent Application No.

2003-005319, filed on January 14, 2003, which is incorporated herein by reference." to

the beginning of the specification would overcome this objection.

3.      The reference number "12" is used to refer to base plate (p. 14, lines 1, 3, 4, 8,

13-15, 21, and 24) and "guide plate" (p. 14, line 19).

Appropriate correction is required.

### *Double Patenting*

4.      Claims 1-5, 7, 13, 17-20, 27-30 are provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 45-48,

65-71 and 73-74 of copending Application No. 10/399754.  Although the conflicting

claims are not identical, they are not patentably distinct from each other because both

applications claim a card verification system that reads codes off of playing cards and

compares them to stored values to determine if a card has been improperly inserted into a

deck.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

5.      Claims 1-5, 7, 13, 17-20, 27-30 are provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of

copending Application No. 11/929749.  Although the conflicting claims are not identical,

they are not patentably distinct from each other because both applications claim a card

verification system that reads codes off of playing cards and compares them to stored

values to determine if a card has been improperly inserted into a deck.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

### *Claim Rejections - 35 USC § 112*

6.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.      Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.  The phrase "in such a way" (line 2) is indefinite because it is

not clear the manner in which a judgment is being output.  The phrase begs the reader to

imagine different ways of accomplishing the output without specifying a particular way

to accomplish the outputting corresponding to applicant's disclosure.  As a result a reader

is not put on notice as to what is covered by applicant's claim.

### *Claim Rejections - 35 USC § 101*

8.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 29, 33 and 34 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.   These claims are directed to

computer programs that are not embodied on a non transitory machine readable media.

### *Claim Rejections - 35 USC § 102*

9.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

10.     Claims 1-4, 6-7, 10-13, and 16-21 are rejected under 35 U.S.C. 102(b) as being

anticipated by McCrea, Jr. (pat. no. 6,093,103).

11.     Regarding claim 1, McCrea, Jr. discloses *a card game fraud detection device for detecting a fraud in a card game that is continuously played, said device comprising: an entering card information obtaining means for obtaining entering card information to identify an entering card that is a card entering each game* (reader in the shoe; see col. 6, lines 43-50); *an entering card information storage means for storing said entering card information while a game is being played* (gaming control; see col. 6, lines 55-58); *a leaving card information obtaining means for obtaining leaving card information to identify a leaving card that is a card leaving a game* (separate circuit in shuffler, Fig. 2, 246); see col. 7, lines 6-15); *a judgment means for judging whether said entering card and said leaving card are identical or not based on said entering card information and said leaving card information* (game control; see col. 7, lines 26-31); and an output means for outputting a judgment result (alarm signal; see col. 7, lines 17-20).

12.     Regarding claim 2, McCrea, Jr. discloses *having a reading means for reading information from a card, wherein said entering card information obtaining means and said leaving card information obtaining means obtain information that is read by said reading means* (reader in shoe and shuffler; see col. 6, lines 43-46 and col. 7, lines 12-15).

13.     Regarding claim 3, McCrea, Jr. discloses *said reading means reads a code that can identify each card, said code being given to each card* (col. 6, lines 38-43).

14.     Regarding claim 4, McCrea, Jr. discloses *said reading means reads from a card a code that is invisible to a naked human eye under normal use conditions* (col. 7, lines 21-23).

15.     Regarding claim 6, McCrea, Jr. discloses *said reading means reads a code that is set up so as not to correspond to a mark on a card* (common identity code; see col. 2, lines 65-67).

16.     Regarding claim 7, McCrea, Jr. discloses *said reading means reads a mark on each card* (mark is code in specific region of playing card; see col. 6, lines 43-46).

17.     Regarding claim 10, McCrea, Jr. discloses *said reading means is embedded in a table and includes a sensor for reading information from a card that slides on said table* (camera, Fig. 12, 1260; see col. 13, lines 48-57).

18.     Regarding claim 11, McCrea, Jr. discloses *information is read from said entering card and said leaving card by a common sensor* (both shuffler and shoe use a conventional video camera; see Fig. 13, #1260, col. 13, lines 52-55 and Fig. 14, #1430, col. 14, lines 48-52).

19.     Regarding claim 12, McCrea, Jr. discloses *a rail for guiding a card when said card slides, said rail being provided to protrude from said table, wherein a positional relationship between said sensor and said rail is set up in such a way that information on a card passes through said sensor when said card slides with a side of said card being in contact with said rail* (opposing ridges position card in shoe for sensor reading; see Fig. 12, #1220, col. 13, lines 36-38).

20.     Regarding claim 13, McCrea, Jr. discloses *an entering reading means for reading information from an entering card, said entering reading means being provided at a shooter or at a path through which a card enters from a shooter* (camera in shoe; see Fig. 12, #1260 and col. 13, lines 52-57); *and a leaving reading means for reading information from a leaving card, said leaving reading means being provided at a card recovery*

*opening or at a path through which a card leaves through a card recovery opening*

(camera in shuffler; see Fig. 14, #1430 and col. 14, lines 48-52).

21.     Regarding claim 16, McCrea, Jr. discloses *said output means outputs a judgment*

*result in such a way that whether entering card information and leaving card information*

*of each of a plurality of players are identical or not can be distinguished* (alarm is

sounded if leaving count is different from entering count or if identity of leaving cards

does not match entering cards; see col. 15, lines 18-25, Fig. 6b, 696 and Fig. 6b, 698).

22.     Regarding claim 17, McCrea, Jr. discloses *a card game fraud detection device for*

*detecting a fraud in a card game that is played on a table, said device comprising: a*

*reader for reading information on a card, said reader being provided at or near said*

*table* (camera; see Fig. 17, 1610); *and a judgment means for judging whether an entering*

*card that is a card entering a game and a leaving card that is a card leaving a game are*

*identical or not based on information that is read by said reader* (game control; see col.

3, lines 30-31).

23.     Regarding claim 18, McCrea, Jr. discloses *a card game fraud detection device for*

*detecting a fraud in a card game that is played on a table, said device comprising: a*

*reader for reading information on a card that passes through a base section which forms*

*a part of said table and through which a card sliding on said table passes, said reader*

*being provided at said base section* (reader is camera; Fig. 13, 1260; base is dispensing

region, Fig. 13, 1210); *and a judgment means for judging whether an entering card that*

*is a card entering a game and a leaving card that is a card leaving a game are identical*

*or not based on information that is read by said reader* (game control; see col. 14, lines

5-11).

24.      Regarding claim 19, McCrea, Jr. discloses *a guide means for guiding a card so as to make said card pass through a path where said reader can read information* (opposing ridges, Fig. 13, 1220a-b; col. 13 lines 36-38).

25.      Regarding claim 20, McCrea, Jr. discloses *said guide means comprises a rail for guiding a card when said card slides, said rail being provided to protrude from said table, and wherein said rail is provided in such a way that information on a card passes through said reader when said card slides with a side of said card being in contact with said rail* (opposing ridges, Fig. 13, 1220a-b; col. 13 lines 36-38).

26.      Regarding claim 21, McCrea, Jr. discloses *having a plurality of sensors for detecting the existence of a card, said sensors being provided along said rail, wherein whether a card is sliding with a side of said card being in contact with said rail or not is detected based on whether said plurality of sensors detect a card or not* (plurality of sensors are the imaging means of a conventional video camera; see col. 13, lines 52-57; background ambient light reading from camera detects whether card is present or not; see col. 14, lines 5-11).

27.      Claims 22-26 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Meissner et al. (pat. no. 5,779,546).

28.      Regarding claim 22, Meissner et al. discloses *a card mark reading device for reading a mark from a card, said device comprising: a detection means for detecting a mark in at least two mark rows of three longitudinal mark rows of a card, said at least two mark rows being a central mark row and one of mark rows on both sides; and a mark number determination means for determining the number of marks on a card based on a*

*detection result of said detection means* (detection means detects marks in two columns,

A and B; see col. 8, lines 66-67 to col. 9, lines 1-43).

29.      Regarding claim 23, Meissner et al. discloses *a card mark reading device for*

*reading a mark from a card, said device comprising: a detection means for detecting a*

*mark in at least five mark rows of nine transverse mark rows of a card, said at least five*

*mark rows being a central mark row, one of mark rows on both edges, two mark rows on*

*both sides of a center of an Eight card, and one of two mark rows on both sides of a*

*center of a Ten card; and a mark number determination means for determining the*

*number of marks on a card based on a detection result of said detection means* (detection

means detects marks in 5 rows in column B; see col. 9, 21-38).

30.      Regarding claim 24, Meissner et al. discloses *said detection means can detect a*

*difference in color between a mark and a part where there is no mark on a card* (col. 9,

lines 39-43).

31.      Regarding claim 25, Meissner et al. discloses *a guide means for guiding a card so*

*as to make mark rows of said card pass through said detection means* (exit chute and

drive wheel; see col. 8, lines 13-29).

32.      Regarding claim 26, Meissner et al. discloses *said guide means comprises a rail*

*for guiding a card when said card slides, said rail being provided to protrude from a*

*table on which a card game is played, and wherein a positional relationship between said*

*detection means and said rail is set up in such a way that marks rows pass through said*

*detection means when said card slides with a side of said card being in contact with said*

*rail* (exit chute; see col. 8, lines 13-29).

33.     Regarding claim 31, Meissner et al. discloses *a mark reading method of reading a mark from a card, said method comprising the steps of: detecting a mark in at least two mark rows of three longitudinal mark rows of a card and sending a detection signal to a computer, said at least two mark rows being a central mark row and one of mark rows on both sides; and determining by said computer the number of marks on a card based on a detection signal of a mark in said at least two mark rows* (detection means detects marks in two columns, A and B; see col. 8, lines 66-67 to col. 9, lines 1-43).

34.     Regarding claim 32, Meissner et al. discloses *A mark reading method of reading a mark from a card, said method comprising the steps of: detecting a mark in at least five mark rows of nine transverse mark rows of a card and sending a detection signal to a computer, said at least five mark rows being a central mark row, one of mark rows on both edges, two mark rows on both sides of a center of an Eight card, and one of two mark rows on both sides of a center of a Ten card; and determining by said computer the number of marks on a card based on a detection signal of a mark in said at least five mark rows* (detection means detects marks in 5 rows in column B; see col. 9, 21-38).

35.     Regarding claim 33, Meissner et al. discloses *a program for making a computer perform information processing for reading a mark from a card, said program making said computer perform the steps of: obtaining a detection signal generated when a mark is detected in at least two mark rows of three longitudinal mark rows of a card, said at least two mark rows being a central mark row and one of mark rows on both sides; and determining the number of marks on a card based on a detection signal of a mark in said at least two mark rows* (detection means detects marks in two columns, A and B; see col. 8, lines 66-67 to col. 9, lines 1-43).

36. Regarding claim 34, Meissner et al. discloses *a program for making a computer perform information processing for reading a mark from a card, said program making said computer perform the steps of: obtaining a detection signal generated when a mark is detected in at least five mark rows of nine transverse mark rows of a card, said at least five mark rows being a central mark row, one of mark rows on both edges, two mark rows on both sides of a center of an Eight card, and one of two mark rows on both sides of a center of a Ten card; and determining the number of marks on a card based on a detection signal of a mark in said at least five mark rows* (detection means detects marks in 5 rows in column B; see col. 9, 21-38).

37. Regarding claim 35, Meissner et al. discloses *a computer readable storage medium storing the program according to claim 33 or 34* (Fig. 2, 210b).

38. Claims 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (pat. no. 7,172,507 B2).

39. Regarding claim 27, Fujimoto et al. discloses *a card game fraud detection method of detecting a fraud in a card game that is continuously played, said method comprising the steps of: reading entering card information to identify an entering card that is a card entering each game* (Fig. 4, S3-S4), *and sending said information to a judgment computer; making a storage means of said judgment computer store said entering card information while a game is being played; reading leaving card information to identify a leaving card that is a card leaving a game* (Fig. 4, S5-S6), *and sending said information to said judgment computer; judging by said judgment computer whether said entering card and said leaving card are identical or not based on said entering card information*

*and said leaving card information* (Fig. 4, S7); *and an output step of outputting a*

*judgment result from said judgment computer* (Fig. 4, S8).

40.      Regarding claim 28, Fujimoto et al. discloses *an information processing method*

*by a judgment computer for detecting a fraud in a card game that is continuously played,*

*said method comprising: an entering card information obtaining step of obtaining*

*entering card information to identify an entering card that is a card entering each game*

(Fig. 4, S3-S4); *making an entering card information storage means store said entering*

*card information while a game is being played; a leaving card information obtaining step*

*of obtaining leaving card information to identify a leaving card that is a card leaving a*

*game* (Fig. 4, S5-S6); *a judgment step of judging whether said entering card and said*

*leaving card are identical or not based on said entering card information and said*

*leaving card information* (Fig. 4, S7); *and an output step of outputting a judgment result*

(Fig. 4, S8).

41.      Regarding claim 29, Fujimoto et al. discloses *a program for making a computer*

*perform information processing for detecting a fraud in a card game that is continuously*

*played, said program making said computer perform the steps of: an entering card*

*information obtaining step of obtaining entering card information to identify an entering*

*card that is a card entering each game; making an entering card information storage*

*means store said entering card information while a game is being played* (Fig. 4, S3-S4);

*a leaving card information obtaining step of obtaining leaving card information to*

*identify a leaving card that is a card leaving a game* (Fig. 4, S5-S6); *a judgment step of*

*judging whether said entering card and said leaving card are identical or not based on*

*said entering card information and said leaving card information* (Fig. 4, S7); *and an*

*output step of outputting a judgment result* (Fig. 4, S8).

42.     Regarding claim 30, Fujimoto et al. discloses *a computer-readable storage*

*medium storing the program according to claim 29* (col. 5, lines 38-40).

### *Claim Rejections - 35 USC § 103*

43.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

44.     The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.     Determining the scope and contents of the prior art.
2.     Ascertaining the differences between the prior art and the claims at issue.
3.     Resolving the level of ordinary skill in the pertinent art.
4.     Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

45.     Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr.

(pat. no. 6,093,103) in view of Daley (pat. no. 6,042,150).

46.     Regarding claim 5, it is noted that McCrea, Jr. does not disclose that the code

becomes visible when irradiated by specified light. Daley, however, teaches of a playing

card security system where the code is viewable under UV light (col. 3, lines 61-63).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to modify the McCrea, Jr. invention to incorporate the UV

visible code as taught by Daley. Adding a UV visible code of Daley would enable an

easy and cheap way to manually verify a deck of cards, thereby simplifying the provisioning tables with card decks.

47.     Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (pat. no. 6,093,103) in view of Meissner et al. (pat. no. 5,779,546).

48.     Regarding claims 8 and 9, it is noted that McCrea, Jr. doesn't disclose detecting marks in 2 columns or 5 rows of a card. Meissner et al., however teaches reading a card by scanning marks in 2 columns and 5 rows of a card. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the McCrea, Jr. to use the card scanning technique taught by Meissner et al. Using the Meissner scanning would enable the use of standard card decks thereby simplifying the provisioning tables with card decks.

49.     Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (pat. no. 6,093,103) in view of Kobayashi et al. (pat. no. 7,093,130 B1).

50.     Regarding claims 14 and 15, it is noted that McCrea does not disclose attaching means for printing a code on a card. Kobayashi, however, teaches of a digital ticketing system where a 2-D bar code is printed on a paper which is authenticated by computer when the ticket is redeemed (col. 12, lines 37-41 and lines 53-59). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the McCrea invention to use the code attachment as taught by Kobayashi. Printing a verifiable code on the cards would enable the use of standard card decks thereby simplifying the provisioning tables with card decks.

*Conclusion*

51.     The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Lorson et al. (pat. no. 6,126,166) discloses a card scanning shoe

that uses multiple sensors to detect the presence and identity of a playing card (Fig. 3,

105).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LAWRENCE GALKA whose telephone number is (571)

270-1386.  The examiner can normally be reached on M-Th 7:30-5, every other F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dmitry Suhol can be reached on (571) 272 4430.  The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.  Status

information for unpublished applications is available through Private PAIR only.  For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/JAMES S. MCCLELLAN/
LSG 10/19/09                                                  Primary Examiner, Art Unit 3714